

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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 UNITED STATES OF AMERICA : **CONSENT PRELIMINARY
ORDER OF FORFEITURE
AS TO SUBSTITUTE ASSETS**
 :- v. -
 ADAM ROGAS, : 20 Cr. 539 (JPC)
 Defendant. :
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WHEREAS, on or about October 13, 2020, ADAM ROGAS (the “Defendant”), was charged in a three-count Indictment, 20 Cr. 539 (JPC) (the “Indictment”), with, *inter alia*, securities fraud (Count One);

WHEREAS, or about March 26, 2022, the Defendant pled guilty to Count One of the Indictment, pursuant to a plea agreement with the Government, wherein the Defendant admitted the forfeiture allegations with respect to Counts One of the Indictment, and agreed to forfeit to the United States a sum of money equal to \$17,542,459 in United States currency;

WHEREAS, on or about November 9, 2022, the Court entered a Preliminary Order of Forfeiture (the “Order of Forfeiture”), imposing a money judgment against the defendant in the amount of \$17,542,459 (the “Money Judgment”) representing proceeds traceable to Count One of the Indictment (D.E. 79);

WHEREAS, on or about August 9, 2023, the Court entered a Preliminary Order of Forfeiture as to Substitute Assets forfeiting the Defendant’s interest in certain assets (the “Subject Assets”) to be applied towards the satisfaction of the Money Judgment (the “Substitute Asset Order”);

WHEREAS, to date, the Money Judgment against the Defendant remains unpaid;¹

WHEREAS, as a result of acts and omissions of the Defendant, the United States has not been able to locate, obtain or collect assets traceable to the proceeds of the Defendant's offenses, despite the exercise of due diligence in investigating the assets of the Defendant; and

WHEREAS, the Government has identified the following assets in which the Defendant has an ownership interest:

- a. 23 Vista Mar La Romana, Dominican Republic with a legal description of Cadastral Designation of 500395555883, with an area of 2,737.26 square meters, Title No. 4000365314, located in La Romana

(the "Substitute Asset"); and

WHEREAS, pursuant to Title 21, United States Code, Section 853(p), the Defendant consents to the forfeiture of all of his right, title and interest in the Substitute Asset.

NOW IT IS THEREFORE ORDERED, ADJUDGED AND DECREED THAT:

1. All of the Defendant's right, title and interest in the Substitute Asset is hereby forfeited to the United States of America, for disposition in accordance with the law, subject to the provisions of Title 21, United States Code, Section 853(n).
2. Upon entry of this Consent Preliminary Order of Forfeiture as to Substitute Assets, the United States Marshals Service (or its designee) is hereby authorized to take possession of the Substitute Asset and to keep it in its secure, custody and control.

¹ The Government has not yet obtained a final order of forfeiture with respect to the Subject Assets and as such the Money Judgment has not yet been reduced. However, even taking into account the estimated value of the Subject Assets, the outstanding amount of the Money Judgment far exceeds the Subject Assets.

3. To the extent necessary, the Defendant shall execute promptly any documents which may be required for the transfer of ownership of the Subject Property to the Government.

4. Upon entry of a Final Order of Forfeiture as to the Substitute Asset, the Substitute Asset shall be applied towards the satisfaction of the Money Judgment entered against the Defendant.

5. Pursuant to Title 21, United States Code, Section 853(n)(1), Rule 32.2(b)(6) of the Federal Rules of Criminal Procedure, and Rules G(4)(a)(iv)(C) and G(5)(a)(ii) of the Supplemental Rules for Admiralty or Maritime Claims and Assets Forfeiture Actions, the United States shall publish for at least thirty (30) consecutive days on the official government internet forfeiture site, www.forfeiture.gov, notice of this Consent Preliminary Order of Forfeiture as to Substitute Assets and provide notice that any person, other than the Defendant in this case, claiming an interest in the Substitute Asset must file a petition within sixty (60) days from the first day of publication of the notice on this official government internet site, or no later than thirty-five (35) days from the mailing of actual notice, whichever is earlier.

6. The notice referenced in the preceding paragraph shall state that the petition shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the Substitute Asset, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title or interest in the Substitute Asset and any additional facts supporting the petitioner's claim and the relief sought, pursuant to Title 21, United States Code, Section 853(n).

7. The United States may also, to the extent practicable, provide direct written notice to any person, other than the Defendant, known to have an alleged interest in the Substitute Asset, as a substitute for published notice as to those persons so notified.

8. Upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture with respect to the Substitute Asset, pursuant to Title 21, United States Code, Section 853(n), in which all interests will be addressed.

9. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture as to Substitute Assets, and to amend it as necessary, pursuant to Federal Rule of Criminal Procedure 32.2(e).

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10. The signature page of this Consent Preliminary Order of Forfeiture as to Substitute Assets may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

DAMIAN WILLIAMS
United States Attorney for the
Southern District of New York

By:

JARED LENOW
Assistant United States Attorney
One St. Andrew's Plaza
New York, NY 10007
(212) 637-1068

3/19/2024

DATE

ADAM ROGAS

By:

ADAM ROGAS

1/24/2025

DATE

By:

WILLIAM SULLIVAN, ESQ.
THOMAS HILL, ESQ.
Attorneys for Defendant
Pillsbury Winthrop Shaw Pittman LLP
1200 Seventeenth Street, NW
Washington, DC 20036

1/24/2025

DATE

SO ORDERED:

HONORABLE JOHN P. CRONAN
UNITED STATES DISTRICT JUDGE

January 30, 2025

DATE